



Massachusetts Department of Environmental Protection
Bureau of Water Resources – Drinking Water Program (Water Supply)
BRP WS26 Disposition or Acquisition of Land for Water Source

Instructions and Supporting Materials

INTRODUCTION

These *Instructions and Supporting Materials* provide guidance for submitting permit application BRP WS26. The information in this guidance is organized into two sections. PART I answers commonly asked questions about the MassDEP permitting approval process. PART II is the permit application completeness checklist which identifies the information that must be submitted with the permit application.

For technical assistance regarding online filing, contact the ePLACE Help Desk Team at 1-844-733-7522 or ePLACE_helpdesk@mass.gov. To see a copy of your application after submittal, go to: <https://eeaonline.eea.state.ma.us/EEA/PublicApp>.

For questions about this permit, please contact the Drinking Water Program in the appropriate MassDEP Regional Office with any questions prior to submitting their permit application: [MassDEP regional offices by community](#).

MassDEP Offices

Western Regional Office	Statehouse West - 5th floor 436 Dwight St. Springfield, MA 01103	413-784-1100
Central Regional Office	8 New Bond St Worcester, MA 01606	508-792-7650
Northeast Regional Office	205-B Lowell St. Wilmington, MA 01887	978-694-3200
Southeast Regional Office	20 Riverside Dr. Lakeville, MA 02347	508-946-2700
Boston Office program.director-dwp@mass.gov	1 Winter Street Boston MA 02108	617-292-5770



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PART I – COMMONLY ASKED QUESTIONS

1. What is the purpose of this permit approval?

MassDEP approval ensures a proposed project will not adversely impact the quantity or quality of a public drinking water supply.

2. Who must apply for this permit?

- All municipal public water systems and water districts seeking to acquire ownership of land for public water supply purposes;
- All municipal public water systems and water districts seeking to acquire control of land for public water supply purposes through a conservation restriction, as defined in Massachusetts General Law (M.G.L.) Chapter 184 Sections 31-33;
- Water companies and entities, as defined in M.G.L. Chapter 165 Section 1, seeking to purchase land for public water supply purposes pursuant to M.G.L. Chapter 165 Section 4B;
- All municipal public water systems and water districts seeking to sell or transfer ownership or control of Water Supply Land to another public water system; and
- All municipal public water systems and water districts seeking to dispose of land no longer necessary for public water supply. This includes the 'transfer of ownership' or 'property rights' of land approved by MassDEP for public water supply purposes and land designated in a deed or deed restriction for public water supply purposes which predates MassDEP Drinking Water Regulations, 310 CMR 22.00.

3. What documents do I need to attach to the Documents section in ePLACE?

Please refer to the Document Submittal Requirements in PART II of these Instructions.

4. What other requirements should be considered when applying for this permit?

- **PUBLIC HEARINGS:** The approval process for land acquisitions, including conservation restrictions, requires public notification and a public hearing. Public hearings may be conducted by MassDEP or by the water supplier or municipality. Applicants should indicate their preference in the *Statement of Need* described in PART II. MassDEP does not issue a final determination on a proposed acquisition until public hearing comments and objections (if any) have been reviewed and resolved. Public water suppliers seeking to complete an acquisition by a specific date should contact the Drinking Water Program in their Regional Office as soon as possible to ensure a timely decision. Water companies and other entities subject to [Chapter 165](#) should contact the Massachusetts Department of Public Utilities regarding their public hearing requirements: [DPU divisions contact information](#).



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- **CONSERVATION RESTRICTIONS:** Conservation restrictions for public water supply require approval from both MassDEP and the Executive Office of Energy and Environmental Affairs. Applicants must use the appropriate MassDEP Model Conservation Restriction available at; [Groundwater, Wellhead Protection, and Surface Water Supplies | Mass.gov](#). Draft conservation restrictions may be submitted to MassDEP for review prior to submitting a permit application. For assistance, please contact MassDEP at program.director-dwp@mass.gov; Subject Conservation Restriction, or the Drinking Water Program in Boston (617-292-5770) or your Regional Office.
- **NEW SOURCE APPROVALS AND REPLACEMENT WELLS:** For projects involving a new water supply source or a replacement well, please refer to MassDEP's '*Guidelines and Policies for Public Water Systems*' at [Guidelines for Public Water Systems | Mass.gov](#). It is recommended that applicants contact the Drinking Water Program in their Regional Office prior to submitting this permit application for a new source or replacement well land acquisition.
- **OTHER APPROVALS**
 - **MEPA:** Land transactions may be subject to review under the Massachusetts Environmental Policy Act, see [301 CMR 11.00: MEPA Regulations](#). MassDEP does not issue a determination on a permit application until a required MEPA review has been completed. Copies of MEPA filings should be sent to the Drinking Water Program in Boston and to the MEPA contact in the MEPA Regional Office, [Massachusetts Environmental Policy Act Office](#).
 - **Source Abandonment:** For proposed dispositions due to source abandonment please refer to Chapter 4 of MassDEP's '*Public Water Supply Guidelines*', [Guidelines for Public Water Systems Chapter 4: Groundwater Supply Development](#), and contact your Regional Office prior to submitting this permit application.
 - **Local Approvals:** The disposition of Water Supply Land requires approval from the water system's Board of Water Commissioners. Municipal approval, such as town meeting or city council vote may also be required.
 - **EEA Approval:** The disposition of water supply land may be subject to legislature approval under Article 97 of the Massachusetts Constitution, [EEA Policies and Guidance](#). To determine if your proposed project is subject to this requirement contact your municipal counsel and/or contact EEA at 617-626-1170.

5. What is the timeline for this approval?

If the applicant submits a complete permit application, the applicant will be notified of the required next steps. For approvals requiring a public hearing, MassDEP will provide the applicant with information and instructions for completing this step in a timely manner. If the application is incomplete, MassDEP will notify the applicant of the deficiency and provide the applicant with the opportunity to resubmit. The specific permit timelines can be found in 310 CMR 4.10(hh) (WS26), [310 CMR 4.00: Timely Action Schedule and Fee Provisions](#).



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6. How long is this approval in effect?

An approval may be effective for 1- 5 years depending upon the proposed project. MassDEP will specify the effective dates in the approval letter issued to the public water system.

7. What are the application and annual compliance fees?

- Municipalities and water districts **are exempt** from the application fee.
- There is no compliance fee for this permit.
- The application fee can be paid online by credit card or electronic check with a service fee, or by mail. Payments sent by mail should be in the form of a check or money order in the amount of \$1,290.00 made payable to the Commonwealth of Massachusetts and sent to the address below. Once you submit the application online you will receive an email that will provide you the Application number as well as a reminder on how to mail payment of the permit fee. The Department will not begin review of the application until the fee is paid. The Application number should be written on the check or money order.

Department of Environmental Protection
P.O. Box 4062
Boston, MA 02211

8. Where should the application be sent?

The application must be submitted through ePLACE, located here:

<https://eplace.eea.mass.gov/citizenaccess>

Additional visual ePLACE step-by-step instructions to assist in submitting your application are available at: <https://www.mass.gov/how-to/ws-26-sale-or-acquisition-of-land-for-water-supply-purposes>

- ✓ Log into the ePLACE Portal at <https://eplace.eea.mass.gov/citizenaccess> and create an account.
- ✓ Once logged in, click on the large blue button on the right, "File an Online Application".
- ✓ Read and agree to the disclaimer. Click "Continue".
- ✓ To find this application, click on "Apply for DEP Authorization – Drinking Water (DW)", and check on WS26, and click "Continue Application".
- ✓ Follow instructions on each screen and click "Continue Application" to move to the next step. The WS26 supporting forms are to be attached in the Documents section.
- ✓ Note that you can return to an application provided you select "Save and Return Later". Once you submit an application you can no longer upload documents without approval from MassDEP personnel.
- ✓ At the end of the application steps, the ePLACE system will take you directly to a screen where you can pay the fee, if applicable. Complete payment information in ePLACE.
- ✓ Once an application has been submitted, you will receive an email that will provide you the record number.
- ✓ From the "My Records" button, you will be able to view the status of your application through the review and approval processes.



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To see a copy of your application after submittal, also see:
<https://eeaonline.eea.state.ma.us/EEA/PublicApp>.

9. How can I avoid mistakes when applying for this approval?

- For proposed grant funded projects, it is not necessary to be awarded the grant or to wait for local approvals (such as town meeting vote) in order to submit this permit application.
- Include the requested information identified in the *Application Completeness Checklist*. Documents should be in draft form. MassDEP will provide further direction and assistance regarding final or additional documents.
- If you have questions or do not understand a requirement, contact the MassDEP Boston or Regional Office noted in the Introduction.

10. What regulations apply to this approval?

- 310 CMR 4.00 Timely Action Schedule and Fee Provisions
[310 CMR 4.00: Timely Action Schedule and Fee Provisions | Mass.gov](#)
- 310 CMR 22.00, Drinking Water Regulations
[310 CMR 22: The Massachusetts Drinking Water Regulations | Mass.gov](#)
- These regulations are also available for purchase at the State House Bookstore
[Publications and Regulations: Welcome to the Massachusetts State Bookstore](#)



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PART II – DOCUMENT SUBMITTAL REQUIREMENTS

LAND ACQUISITION - APPLICATION COMPLETION CHECKLIST

<p>1. STATEMENT OF NEED</p> <p><i>Includes items (a) through (h)</i></p>	<p>(a). PWS Name and PWS ID#.</p> <p>(b). Address of project property.</p> <p>(c). Property owner(s) name (and address if different).</p> <p>(d). Purpose of the proposed project.</p> <p>(e). Method of acquisition (purchase, conservation restriction etc).</p> <p>(f). Funding source(s).</p> <p>(g). All water supply source(s) to be protected.</p> <p>(h). State if the applicant will conduct the local public hearing or prefers MassDEP to conduct the hearing.</p>
<p>2. MAP</p> <p><i>For a proposed ownership acquisition provide a DRAFT PLAN OF LAND that includes items (a) through (g)</i></p>	<p><u>DRAFT PLAN OF LAND</u></p> <p>(a). The property boundaries.</p> <p>(b). Zone I boundary (if applicable).</p> <p>(c). Assessor's map lot/parcel #.</p> <p>(d). One named street nearest the property.</p> <p>(e). Existing or proposed easements or access roads on or to the property.</p> <p>(f). Existing structures on or below the property.</p> <p>(g). Location of any proposed water supply operations.</p>
<p><i>For a proposed Conservation Restriction provide a SKETCH PLAN that includes items (a) through (i). Alternatively, a DRAFT PLAN OF LAND that includes these items may be submitted.</i></p>	<p><u>SKETCH PLAN*</u></p> <p>(a). Boundaries of the Conservation Restriction area (Premises).</p> <p>(b). Boundaries of the property if different from the Premises.</p> <p>(c). Zone I boundary (if applicable).</p> <p>(d). The Premises must be labeled.</p> <p>(e). Assessor's map lot/parcel #.</p> <p>(f). One named street nearest the Premises.</p> <p>(g). Existing or proposed easements or access roads on or to the Premises.</p> <p>(h). Existing structures on or below the property.</p> <p>(i). Special Use Areas (if applicable, see DEP CR Model).</p> <p><i>*see map information in the MassDEP Model Conservation Restrictions: Groundwater, Wellhead Protection, and Surface Water Supplies</i></p>
<p>3. ABUTTER LIST</p>	<p>Names and addresses of the property abutters. See municipal tax assessor's records. An abutter is a landowner who shares a boundary or corner with the project property, and landowners directly across the street.</p>



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LAND DISPOSITION - APPLICATION COMPLETION CHECKLIST

A Brief STATEMENT OF REQUEST Include applicable information (a) through (h) in your Statement of Request	<ul style="list-style-type: none">(a). State why the property is no longer needed for public water supply purposes (i.e. abandonment).(b). State how the property was acquired for water supply by the water system (purchase, conservation restriction etc.).(c). Identify the method for the proposed disposition of the land (sale etc.).(d). If known, identify the individual or entity that will acquire the property as a result of this disposition.(e). Identify the water supply source(s) this property protected.(f). State if the property was, or was not, acquired with a state grant or municipal Community Preservation Act funds.(g). If the property was acquired with a state grant, provide the date and amount of the grant award.(h). Identify all local approvals that have been obtained for the release of this property from its use as Water Supply Land.
MAP(S)	<p>A map identifying the property boundaries and the boundaries of all MassDEP designated Zones (I, II, A, B, C, IWPA) that intersect the property.</p> <p>More than one map may be submitted, such as the plan of land <i>and</i> a GIS map for the MassDEP Zones.</p>
DEED or CONSERVATION RESTRICTION	<p>Provide the document showing that the land was acquired for drinking water supply purposes. Documents may be downloaded from the Registry of Deeds: Locate my Registry of Deeds Office.</p>